

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1004 be amended to read as follows:

- 1 Page 2, line 11, delete "and".
- 2 Page 2, line 12, delete "state." and insert "**state; and**
- 3 **(5) a listing of the violation information specified in section 6**
- 4 **of this chapter."**
- 5 Page 2, line 24, delete "or".
- 6 Page 2, line 26, "rule." and insert "**rule; or**
- 7 **(4) information that a statute declares to be confidential."**
- 8 Page 2, between lines 35 and 36, begin a new paragraph and insert:
- 9 "**Sec. 6. (a) This section applies to a violation of a state rule that**
- 10 **is discovered by a state agency in an inspection involving:**
- 11 **(1) a visual analysis; or**
- 12 **(2) performance of tests;**
- 13 **undertaken to evaluate the operation, use, or condition of real or**
- 14 **personal property.**
- 15 **(b) Not later than twenty-four (24) hours after the discovery of**
- 16 **a violation in an inspection, the state agency shall post the**
- 17 **following information:**
- 18 **(1) Name of the alleged violator.**
- 19 **(2) Nature of the alleged violation.**
- 20 **(3) Name of the state agency involved.**
- 21 **(4) The maximum civil penalty that may be imposed for the**
- 22 **violation.**
- 23 **(c) Not later than twenty-four (24) hours after a state agency**
- 24 **withdraws a citation of violation or enters into an agreement with**

the alleged violator to not impose a civil penalty (if authorized by law) or concerning any other corrective action needed to resolve the violation, the agency shall revise the information posted under subsection (b) to describe the nature of the state agency action.

(d) Not later than twenty-four (24) hours after the agency determines that:

(1) an alleged violator has corrected the violation; or

(2) the agency is going to proceed to impose a civil penalty or take other enforcement action;

the agency shall revise the information posted under subsections (b) and (c) to describe the nature of the action being taken by the agency.

(e) If the state agency gives notice under subsection (d)(2) that the state agency proposes to impose a civil penalty for a violation or initiate other enforcement action, not later than twenty-four (24) hours after the enforcement action becomes final or the enforcement action is terminated, the agency shall revise the information posted under subsections (b), (c), and (d) to describe the nature of the final action.

(f) The auditor of state shall establish procedures for agencies to post the information required under this section in the data base. The data base shall be organized in a manner that the public may easily access the information according to name of violator, type of violation, and agency involved.

(g) The Internet web site where access to the data base is available must also provide a portal for the public to provide information that the agency involved may use to determine whether an action taken with respect to a violator is in the best interest of the public."

Page 2, line 36, delete "6." and insert "7."

Page 2, line 40, delete "7." and insert "8."

Page 2, line 42, delete "8." and insert "9."

Page 2, line 42, after "section" delete "9" and insert "10".

Page 3, line 3, delete "9." and insert "10."

Page 3, line 6, delete "10." and insert "11."

Page 3, line 12, delete "11." and insert "12."

Page 3, line 15, delete "12." and insert "13."

Page 3, line 19, delete "13." and insert "14."

(Reference is to HB 1004 as printed February 15, 2011.)

Representative DeLaney